

**TRANSNATIONAL CHILD SUPPORT ENFORCEMENT AND THE NEED FOR A RECIPROCAL
AGREEMENT BETWEEN THE UNITED STATES AND MEXICO**

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Introduction

Over the last century, the federal government has consistently revised child support statutes in the United States as citizens have become more mobile between states. In recent years, based upon the increasing presence of multinational families and the fluid movement of individuals and families between foreign countries, the need for revision of child support laws has expanded.¹ Currently, 1–3 percent of all child support cases contain an international aspect, as it is not uncommon following a divorce or separation for one parent either to return to their home country or immigrate to a new country.² Despite this reality, the United States has reciprocal child support enforcement agreements with only twenty-six countries.³ Without this type of agreement, it is difficult, costly, and often impossible to enforce a child support obligation in another country.⁴ The current international child support laws do not account for the needs of children, in a world where multinational families and fluid movement across

¹ Michael J. Peters, *International Child Support: The United States Striving Towards a Better Solution*, 15 NEW ENG. J. INT'L & COMP. L. 91, 105 (2009).

² CARMEN SOLOMON-FEARS & ALISON M. SMITH, CONG. RESEARCH SERV., R43109, HAGUE CONVENTION TREATY ON RECOVERY ON INTERNATIONAL CHILD SUPPORT AND H.R. 18969, 1, 5 (2013).

³ OFFICE OF CHILD SUPPORT ENFORCEMENT, *Foreign Reciprocating Countries*, ACF.HHS.GOV, <http://www.acf.hhs.gov/programs/css/resource/foreign-reciprocating-countries> (last updated Feb. 4, 2012).

⁴ Dave Eberhart, *Deadbeat Dads Enjoy Immunity from U.S. Laws*, NEWSMAX, (Dec. 22, 2008, 8:58 PM), <http://www.newsmax.com/US/deadbeat-dads/2008/12/22/id/327264>.

national borders is becoming the norm.⁵ The United States does not have a reciprocal agreement with Mexico.⁶

This note addresses the need for a reciprocal support agreement between the United States and Mexico. Part I of this paper gives a brief background of the child support obligation. Part II provides an overview of international attempts to regulate transnational support orders. This part focuses on The Hague Convention of 2007, evaluating its goals, the ultimate agreement, and its shortcomings. Part III presents a reciprocal agreement as the best option for child support enforcement between the United States and Mexico. This part also explains the requirements for such an agreement, including comity, reciprocity, and substantially similar laws. Finally, Part III concludes by presenting and evaluating the barriers faced during implementation of such an agreement, specifically, issues of federalism, due process, and personal jurisdiction.

I. Background Information

Child support is a court-ordered amount of money that a non-custodial parent must pay in order to provide for the necessary expenses of a child, such as food, clothing, and shelter.⁷ This support allows children to enjoy a standard of living that is minimally sufficient and not grossly inferior to that of their non-custodial parent.⁸ The need for such an obligation has been exacerbated by recent public benefit policy changes that limit the amount of aid a family may

⁵ Peters, *supra* note 1, at 94.

⁶ OFFICE OF CHILD SUPPORT ENFORCEMENT, *supra* note 3.

⁷ Lauren C. Barnett, Comment, *Having Their Cake and Eating It Too? Post-emancipation Child Support as a Valid Judicial Option*, 80 U. CHI. L. REV. 1799, 1806 (2013).

⁸ Peters, *supra* note 1, at 92.

receive over time.⁹ These changes reinforce the notion of a mother's and father's responsibility to provide care and support for their children.¹⁰

However, child support orders are only enforceable within the territory where they are granted, and in partnership with a limited number of countries. At this point, the obligation to pay child support is halted at the southern border of the United States. In an increasingly mobile society, US laws must change in relation to foreign countries to provide children with the family support that they both need and deserve. US courts have long held that it is unjust to punish children for the actions of their parents.¹¹ A child should not suffer the loss of an opportunity that his or her parents are able to provide, as a result of which country he or she lives in.¹² "Whatever his differences may be, man can always unite in his concern for the welfare of his children in his efforts to assist them."¹³ Providing children with the financial support they need to be successful should be no different.

Additionally, this issue extends beyond the responsibility of parents to provide for their children. International enforcement and recognition of child support judgments is vital to the global economy and business community.¹⁴ When each country insists on utilizing its own methods and procedures, and remains entrenched in nationalist conceptions of law, normal

⁹ Maria Cancian, Daniel R. Meyer, & Eunhee Han, *Child Support: Responsible Fatherhood and the Quid Pro Quo, International Child Support: The United States Striving Towards a Better Solution*, 635 THE ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE 140, 141 (2011).

¹⁰ *Id.*

¹¹ *Trimble v. Gordon*, 430 U.S. 762, 769 (1977).

¹² Peters, *supra* note 1, at 92.

¹³ Norman Acton, *The World's Children*, 28 J. EDUC. SOC. 282, 285 (1955).

¹⁴ Russell J. Weintraub, *Recognition and Enforcement of Judgments and Child Support Obligations in United States and Canadian Courts*, 34 TEX. INT'L L.J. 361, 368 (1999).

patterns of life are disrupted, resulting in injustice.¹⁵ The worldwide community has recognized this as a significant issue that needs to be addressed. Despite continuous and ongoing attempts to form a multinational support enforcement agreement, however, there have not yet been any successes.¹⁶ While there may one day be an agreement that resolves this issue, it is essential that something be done to address this important concern immediately.

II. History of Support Enforcement

In the United States, it has become increasingly common for individuals to move easily between states. This mobility has expanded dramatically over the last fifty years as individuals and families began to spread out across the globe.¹⁷ Individuals are consistently crossing and re-crossing international borders to live and work in a global economy, and it has become increasingly crucial that nations cooperate to meet the challenges that such a reality poses.¹⁸ As a result of this movement, legal disputes are no longer contained within national boundaries, and this includes family law and child support issues.¹⁹ In response to this growing concern, the UN Convention on the Recovery Abroad of Maintenance was enacted to allow foreign nations to enter into reciprocal enforcement agreements.²⁰ Additionally, it allows individual states and

¹⁵ *Id.* at 368, n.64.

¹⁶ Hague Convention on International Recovery of Child Support and Family Maintenance, Letter of Transmittal, The Hague, Sept. 8, 2008, 110-21.

¹⁷ Merle H. Weiner, *The Internationalization of Family Law in the United States Over the Last Fifty Years*, 42 FAM. L.Q. 619, 619 (2008).

¹⁸ Eberhart, *supra* note 4.

¹⁹ Pamela Brown, *Service of Process on Mexican Resident Respondents Pursuant to The Hague Service Convention*, TEXAS RIOGRANDE LEGAL AID 1, http://doczine.com/bigdata/1/1367102838_4fefe98172/hague-convention-sbs.pdf.

²⁰ Peters, *supra* note 1, at 97.

provinces within countries to enter into agreements with foreign countries, without deference to a national government.²¹

1. US EFFORTS TO ENFORCE FOREIGN SUPPORT ORDERS

The concept of child support was first introduced in the United States with the Uniform Desertion and Non-Support Act in the early 1900s.²² This piece of legislation criminalized the act of intentionally neglecting or refusing to provide support to a parent's child or children.²³ As the nation expanded and the population became more mobile, however, issues of extradition of individuals convicted under the statute and enforcement of obligations became difficult to address.²⁴

The Uniform Reciprocal Enforcement of Support Act (URESA) was enacted to respond to these social changes.²⁵ URESA allowed individual states to enforce an order from a foreign nation if there were substantially similar reciprocal laws in effect in that nation.²⁶ This legislation was self-executing and did not require any individual agreements or declarations.²⁷ Many other foreign nations, specifically Canada and several countries in Western Europe, developed their

²¹ *Id.*

²² Eric M. Fish, *The Uniform Interstate Support Act (UIFSA) 2008: Enforcing International Obligations Through Cooperative Federalism*, 24 J. AM. ACAD. MATRIMONIAL L. 33, 36 (2011).

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ Gloria DeHart, *Comity, Conventions and the Constitution: State and Federal Initiatives in International Support Enforcement*, 28 FAM L.Q. 89, 93 (1994).

²⁷ *Id.* at 94.

support legislation after the United States, creating a system of reciprocity without any official agreements.²⁸

The United States responded to this change in other nations' laws by enacting the Uniform Interstate Family Support Act (UIFSA) to replace URESA, allowing any foreign order to be registered for enforcement in the United States.²⁹ The primary goal of UIFSA is to ensure that individual US states did not second-guess support orders entered in other states and countries.³⁰ Furthermore, Congress sought to demonstrate respect and tolerance for the laws of other nations.³¹ These foreign orders are often recognized and enforced as if they were from a US state.³² However, there is no mechanism to achieve equivalent recognition and enforcement of US orders abroad.³³ Currently, most countries do not extend this same courtesy and do not enforce support orders from the United States unless there is a treaty or agreement creating an obligation to do so.³⁴ As a result, reciprocity continues to be a major issue in the enforcement of support orders.³⁵

²⁸ *Id.* at 94-8.

²⁹ Uniform Interstate Family Support Act, § 603(b) (2008).

³⁰ *See generally* OCS/Glenn Pappas v. O'Brien, 2013 VT 11, 67 A.3d 916 (Vt. 2013)

³¹ John J. Sampson, *Uniform Interstate Family Support Act (2001) with Prefatory Note and Comments*, 36 FAM. L.Q. 329, 340 (2002).

³² Ann K. Wooster, Annotation, *Applicability and Application of Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) to International Child Custody and Support Actions*, 66 A.L.R. 6TH 269 (2008).

³³ *Id.*

³⁴ Hague Convention on International Recovery of Child Support and Family Maintenance, Letter of Transmittal, The Hague, Sept. 8, 2008, 110-21.

³⁵ Sampson, *supra* note 31, at 340.

2. THE HAGUE CONVENTION ON INTERNATIONAL RECOVERY OF CHILD SUPPORT AND MAINTENANCE IN 2007

To address this growing issue, the United States, along with approximately sixty other nations, attended the Hague Convention on International Recovery of Child Support and Maintenance in 2007.³⁶ This was not the first attempt at a multinational agreement regarding enforcement of child support. Previous attempts, such as the New York Convention of 1956, failed, as they did not establish uniform procedures, which resulted in wide variation and confusion in any attempts to register, enforce, or regulate foreign orders.³⁷ Additionally, the United States did not attend previous conventions due to federalist and jurisdictional limitations imposed by its Constitution. The Hague Convention was different, however, as many foreign delegates recognized the importance of US support, leading to compromises not previously achieved.³⁸ At the Hague Convention, the international community recognized the importance of providing an adequate standard of living for all children.³⁹

An important way to account for this interest is to establish a procedure to ensure that parents' support obligations do not cease to exist at any one nation's borders.⁴⁰ There must be a uniform way to establish support orders when a child resides in a different country from his or her non-custodial parent. The Convention sought to improve the existing international system for

³⁶ GREGG M. HERMAN, AMERICAN BAR ASSOCIATION, REPORT, 1, 1 (2008).

³⁷ See Marilyn Ray Smith, *Symposium on International Enforcement of Child Support Child Support at Home and Abroad: Road to the Hague*, 43 FAM. L.Q. 37, 53 (2009).

³⁸ Mary Helen Carlson, *Symposium on International Enforcement of Child Support United States Perspective on the New Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance*, 43 FAM. L. Q. 21, 26 (2009).

³⁹ Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, Preamble, Nov. 23, 2007, U.S.T. 110-21.

⁴⁰ *Id.*

support enforcement and create an efficient and fair enforcement structure between nations.⁴¹

The nations present at the convention recognized that each country regulates and enforces support orders in its own unique way.⁴² As a result, an organized procedure that accounts for the wide variety of legal systems and professionals responsible for entering, implementing, and enforcing child support obligations must be established.⁴³

The Convention established a uniform procedure to allow transnational orders to be registered and enforced if certain procedural requirements are met. Each participating country must establish a central authority, which is responsible for such registration and enforcement.⁴⁴ To register an order, proof must also be submitted that the debtor⁴⁵ had proper notice of the proceedings and decision, and had an opportunity to appeal.⁴⁶ The receiving country is then obligated to enforce the order, regardless of its merits, in the same way it would treat a domestic order.⁴⁷ These regulations are essential, as many transnational child support workers note that failures to enforce are often due to a lack of administrative cooperation, rather than jurisdictional or legal differences.⁴⁸ With the establishment of a uniform administrative procedure, it is likely

⁴¹ *Id.* at art. 1.

⁴² William Duncan, *Symposium on International Enforcement of Child Support The New Hague Child Support Convention: Goals and Outcomes of the Negotiations*, 43 FAM. L.Q. 1, 7 (2009).

⁴³ *Id.* at 4.

⁴⁴ Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, art. 4, Nov. 23, 2007, U.S.T. 110-21.

⁴⁵ A debtor is an individual who owes or alleges to owe support or maintenance. *Id.* at art. 3.

⁴⁶ *Id.* at art. 25.

⁴⁷ *Id.* at art. 28.

⁴⁸ Carlson, *supra* note 38, at 26.

that orders will be streamlined and processed at a faster pace, providing more effective and successful outcomes for children.⁴⁹

Further, the agreement creates a means test for services, based upon the needs of the child.⁵⁰ The United States felt strongly that the Convention could not succeed if it did not require cost-free services in all support cases.⁵¹ Most individuals affected by child support orders are of modest means and would be unable to pursue recovery of support if required to pay high fees in exchange for legal services.⁵² This is especially true in international enforcement cases where the cost of legal services is often higher than the amount collected.⁵³ However, most nations do not provide sufficient free, or even low-cost, legal services.⁵⁴

While the Convention succeeded in meeting its goal to establish a fair, efficient, and effective international system for the recovery of support, there are several areas in which it falls short. Under the current regime, it is extremely difficult to attempt to modify a current transnational support order; the Convention does not address instances when a creditor moves to a new country, and it does not prevent a parent who moves a child to a new country without consent from seeking child support from the parent left behind.⁵⁵

⁴⁹ *Id.* at 31.

⁵⁰ *Id.*

⁵¹ *Id.* at 29.

⁵² *Id.* at 30.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ Weiner, *supra* note 17, at 644.

Despite these issues, the Convention successfully established a streamlined and clear procedure for establishing and enforcing international child support orders.⁵⁶ The United States was the third country to sign the agreement, a novel occurrence, as this was the first multilateral treaty on maintenance or support to which the United States became a signatory.⁵⁷ US participation was extremely important since the United States has the most cases under the Hague Convention.⁵⁸ Additionally, such an agreement relieves the US government from having to negotiate with foreign nations individually to ensure enforcement of American support orders, at least for those nations that also become a party to the convention.⁵⁹ Thus far, however, only four countries⁶⁰ have ratified the agreement.⁶¹

Additionally, while the United States became a signatory to the convention, it is not a self-executing treaty and requires ratification before it can become effective,⁶² something that the US Senate still has not done.⁶³ The United States also has not amended the text of UIFSA to integrate the new foreign order enforcement procedures into current support law.⁶⁴ Amending the text of UIFSA is essential to ensure that each aspect of the convention can be carried out

⁵⁶ HERMAN, *supra* note 36, at 4.

⁵⁷ Weiner, *supra* note 17, at 642.

⁵⁸ *Id.* at 649.

⁵⁹ *Id.* at 641.

⁶¹ Albania, Bosnia and Herzegovina, Norway, and Ukraine are the only countries to have ratified the agreement. HAGUE CONVENTION ON INTERNATIONAL RECOVERY OF CHILD SUPPORT AND FAMILY MAINTENANCE, *Status Table*, HCCH.NET, http://www.hcch.net/index_en.php?act=conventions.status&cid=131 (last updated Aug. 8, 2013).

⁶² *Symposium on International Enforcement of Child Support Uniform Interstate Family Support Act (Last Amended or Revised in 2008) with Prefatory Note and Comments*, 43 FAM. L.Q. 76, 85 (2009).

⁶³ SOLOMON-FEARS, *supra* note 2, at 8.

⁶⁴ Fish, *supra* note 22, at 43.

successfully within the borders of the United States.⁶⁵ While steps have been taken toward amending US child support legislation and ratifying the convention, the federal government has not yet met this goal.⁶⁶ As a result, the Convention has done little to alter the current status quo. As is common with international issues and agreements, it will likely be several decades before enough countries not only become signatories, but also establish the central authority and implement the procedural changes required under the Convention.⁶⁷ Until this occurs, the promise of financial support to children whose parents live in a different country will likely remain unfulfilled.

III. Reciprocal Agreements

While The Hague Convention may prove to be successful in the future, more immediate measures must be taken to address the major gap in child support regulation that exists now, specifically between the United States and Mexico. One solution, commonly utilized by the international community to address support issues, is a reciprocal agreement.⁶⁸

Reciprocal agreements are helpful to expedite the enforcement of child support orders across varying jurisdictions.⁶⁹ They promote certainty and avoid duplication, which can cause aggravation for both courts and individual litigants.⁷⁰ These agreements allow the issuing nation's law to govern the nature, extent, amount, and duration of support while the enforcing

⁶⁵ HERMAN, *supra* note 36, at 3.

⁶⁶ SOLOMON-FEARS, *supra* note 2, at Summary.

⁶⁷ Smith, *supra* note 37, at 60.

⁶⁸ Gary Caswell, *Features Making Long-Distance Parents Pay Up International Child Support Enforcement*, 23 *Fam. Adv.* 52, 52 (2000).

⁶⁹ Weintraub, *supra* note 14, at 364.

⁷⁰ *State v. Castillo*, No. A04-1528, 2005 Minn. App. LEXIS 602, at *11 (Minn. Ct. App. June 7, 2005).

nation collects and distributes support payments.⁷¹ Following the execution of an agreement, the United States can have confidence that a full and fair trial occurred abroad before a court of competent jurisdiction, so there is no need to retry the case.⁷² If a court finds that an order was entered by a competent court and does not violate the public policy⁷³ of the United States, the order should be implemented and enforced.⁷⁴ This helps further a major goal of UIFSA to expedite the enforcement of child support orders and eliminate the problem of conflicting orders.⁷⁵ An agreement should not be signed, however, unless the country or state has confidence that the other party has the capacity to meet its obligation.⁷⁶

The United States began entering into these types of agreements in 1996.⁷⁷ Reciprocal agreements govern a majority of international child support enforcement cases in the United States.⁷⁸ Currently, the United States has reciprocal agreements with twenty-six countries around the world.⁷⁹ However, most of these countries are located in Western Europe.⁸⁰ This leaves a large gap in the international enforcement of American support orders across the rest of the

⁷¹ *Id.* at 53.

⁷² Weintraub, *supra* note 14, at 365.

⁷³ If an order is found to be in the best interest of the child, it is generally held to be in furtherance of public policy. *In the Interest of E.I.R.H.*, No. 04-97-00667-CV, 1999 Tex. App. LEXIS 6125, *9 (Tex. App. 1999).

⁷⁴ *Id.* at *5.

⁷⁵ *State v. Castillo*, No. A04-1528, 2005 Minn. App. LEXIS 602, at *11 (Minn. Ct. App. June 7, 2005).

⁷⁶ Smith, *supra* note 37, at 57.

⁷⁷ Weiner, *supra* note 17, at 638.

⁷⁸ Peters, *supra* note 1, at 102.

⁷⁹ OFFICE OF CHILD SUPPORT ENFORCEMENT, *supra* note 3.

⁸⁰ *Id.*

world.⁸¹ While Mexico contributes to a large portion of international child support cases in the United States, there is currently no reciprocal agreement existing between these two countries.⁸²

Individual US states are able to enter into their own agreements with foreign countries, up until the foreign country enters into an agreement with the US federal government.⁸³ However, they may do so only if the US Attorney General⁸⁴ deems the foreign country a “reciprocating country.”⁸⁵ The reciprocity requirement echoes the decision of *Hilton v. Guyot*, which held that a French judgment was unenforceable in the United States due to a lack of reciprocity in French courts for American judgments.⁸⁶ The court’s interpretation that states are able to enter into individual agreements with foreign nations based on principles of reciprocity and comity is important, as the United States does not have a central authority governing child support and, instead, enforces obligations on a state-by-state basis. As a result, it is more effective for states to enter into these agreements on an individual basis.⁸⁷ Despite the Hague

⁸¹ *Id.*

⁸² See Fish, *supra* note 22, at 54.

⁸³ Willmer v. Willmer, 144 Cal. App. 4th 951, 957, 51 Cal. Rptr. 3d 10 (Cal. Ct. App. 2006); Country of Luxembourg ex rel. Ribeiro v. Canderas, 338 N.J. Super 192, 197, 768 A.2d 283 (N.J. Ch. 2000).

⁸⁴ Willmer v. Willmer, 144 Cal 951, 957, 51 Cal. Rptr. 3d 10 (Cal. Ct. App. 2006).

⁸⁵ A reciprocating country is one that has established or intends to establish a procedure for enforcement of responsibility of child support owed to residents of the United States. Fish, *supra* note 22, at 54. Additionally, US citizens must not be charged to establish or enforce child support orders in foreign countries. Weiner, *supra* note 17, at 639.

⁸⁶ James P. George, *Enforcing Judgments Across State and National Boundaries: Inbound Foreign Judgments and Outbound Texas Judgments*, 50 S. TEX. L. REV. 399, 426 (2009).

⁸⁷ Smith, *supra* note 37, at 54.

Convention's requirement that party states create a central authority⁸⁸ to manage child support obligations, the United States still has not established such an agency.⁸⁹

The United States has gone further in its quest for reciprocal agreements by authorizing individual states to enter into agreements with foreign nations regarding the registration and enforcement of support orders.⁹⁰ This can only occur in the absence of a federal reciprocal declaration.⁹¹ This authorization has not necessarily furthered the goal of enforcement, however, as it is rare for a state to have enough cases from one nation to justify the execution of a reciprocal agreement.⁹² It also leads to major differences in enforcement between states, contradicting the goal of US support laws to uniformly enforce child support judgments.⁹³ Furthermore, allowing each individual state to develop agreements with foreign nations diverts focus from the creation of a central authority for registration, enforcement, and problem solving, by serving as a placeholder.⁹⁴ This can increase confusion and exacerbate problems already experienced by individuals looking to register and enforce support orders internationally.⁹⁵

Rather than allowing each state to execute independent agreements, it would be more beneficial for support enforcement if the federal government executed an agreement with Mexico. The establishment and enforcement of international agreements comes within the treaty

⁸⁸ Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, art. 4, Nov. 23, 2007, U.S.T. 110-21.

⁸⁹ Fish, *supra* note 22, at 54.

⁹⁰ Weintraub, *supra* note 14, at 377.

⁹¹ In the Interest of V.L.C., 225 S.W.3d 221, 228 (Tex. App. 2006).

⁹² DeHart, *supra* note 26, at 108.

⁹³ *Id.* at 98.

⁹⁴ *Id.* at 109.

⁹⁵ *Id.*

power of the president⁹⁶ and enumerated powers of Congress.⁹⁷ These branches of government have flexibility in the selection and implementation of solutions to international problems, which the states do not.⁹⁸

A. Requirements for a Reciprocal Agreement

The United States has several requirements that must be met before entering into a reciprocal agreement with a foreign nation regarding the enforcement of child support orders. These requirements include comity, reciprocity, and that the foreign nation has substantially similar laws and procedures to those implemented in the United States.⁹⁹ These requirements are essential for establishing an effective system of child support enforcement among foreign nations.

1. COMITY

Comity is the broad principle designed to help courts resolve issues and disputes involving multiple jurisdictions.¹⁰⁰ The literal meaning of comity is “a disposition to accommodate.”¹⁰¹ It is often equated with friendship, policy interests, and mutual respect between two nations.¹⁰² The doctrine of comity rests not on a foundation of simple courtesy, but rather one of moral duty.¹⁰³

⁹⁶ U.S. Constitution, Art. II, § 2

⁹⁷ U.S. Constitution, Art. I, §§ 1, 10

⁹⁸ DeHart, *supra* note 26 at 110.

⁹⁹ Peters, *supra* note 1, at 107.

¹⁰⁰ Steven R. Swanson, *The Vexatiousness of a Vexation Rule: International Comity and Antisuit Injunctions*, 30 G.W. J. INT'L L. & ECON. 1, 1 (1996).

¹⁰¹ *Hilton v. Guyot*, 159 U.S. 113, Syllabus (1895).

¹⁰² Peters, *supra* note 1, at 107.

Comity is a discretionary decision allowing the legislative, executive, or judicial acts of one nation to be implemented and enforced upon the citizens of another nation.¹⁰⁴ Essentially, it creates an obligation to enforce the laws of one nation within the borders of another.¹⁰⁵ Comity is rooted in three principles: (1) a specific nation's law is limited to a territorial application, (2) anyone within that territory is subject to that law, and (3) the laws of each nation maintain their validity across the world, to the extent that power or laws of other states or countries are not prejudiced.¹⁰⁶ This concept is often used as an attempt to create and ensure a working international dispute resolution system by advocating respect or deference for a foreign jurisdiction's laws.¹⁰⁷ General comity leads to final judgments of foreign courts of competent jurisdiction being reciprocally executed.¹⁰⁸ For comity to be successful, a nation must value the laws of other nations and find value in the policy reasons for supporting and enforcing those laws.¹⁰⁹

Comity has effects on more countries than just the two nations exercising the principle. It requires consideration of every nation's interests because implementing a foreign body's laws can affect relations with other nations and have unintended political consequences.¹¹⁰ A

¹⁰³ *Hilton v. Guyot*, 159 U.S. 113, 165 (1895).

¹⁰⁴ Chelsea P. Ferrette, *A Critical Analysis of the International Child Support Enforcement Provisions of the Social Security Act: The (In)Ability of States to Enter into Agreements with Foreign Nations*, 6 ILSA J INT'L & COMP. L. 575, 607 (2000).

¹⁰⁵ Swanson, *supra* note 100, at 5.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.* at 4.

¹⁰⁸ *Hilton v. Guyot*, 159 U.S. 113, 166 (1895).

¹⁰⁹ Peters, *supra* note 1, at 107.

¹¹⁰ Swanson, *supra* note 100, at 9.

successful implementation of comity principles allows nations to maintain amicable relations with other countries.¹¹¹ It also stresses the importance of extending courtesy to the governmental interests of other nations.¹¹² Comity creates a form of the “golden rule” for international relations by encouraging each nation to treat other nations as it would want to be treated.¹¹³ This principle promotes friendly intercourse between sovereignties, and, as a result, governments have continually utilized comity in the international community.¹¹⁴

When a court is charged with making a decision based on comity, it is required to balance the various public, private, and international concerns that may be present.¹¹⁵ This causes concern for many, as it implies an exercise of judicial discretion without guidance by any detailed principles or legal tests.¹¹⁶ Furthermore, it can potentially provide a forum for courts to make decisions heavily anchored in politics and international relations under the façade of legal necessity.¹¹⁷ However, without this concept, there would be no avenue to implement the laws of one nation within the borders of another, which would cause extreme and unnecessary complications to international commerce, trade, and relations.¹¹⁸

¹¹¹ *Id.* at 8.

¹¹² *Id.*

¹¹³ *Id.* at 10.

¹¹⁴ *Hilton v. Guyot*, 159 U.S. 113, 165 (1895).

¹¹⁵ Donald Earl Childress III, *Comity as Conflict: Resituating International Comity as Conflict of Laws*, 44 U.C. DAVIS L. REV. 11, 14 (2010).

¹¹⁶ *Id.* at 15.

¹¹⁷ *Id.*

¹¹⁸ *Id.* at 22.

The US federal government has the ability to exercise comity and inserts this principle in most international agreements.¹¹⁹ However, individual states do not have this same power, as they do not have the ability to implement federal policy.¹²⁰

2. RECIPROCITY

Reciprocity requires the United States to treat a request by a foreign country the same way it would treat a request by another state.¹²¹ Each country must enforce the child support obligation imposed in the other country.¹²² If the original order cannot be enforced, then the country must impose and enforce an equivalent order.¹²³

The foreign reciprocating country must have procedures for US residents to establish paternity and support orders.¹²⁴ If the system is debtor based, a creditor may need to request another country to establish a support order.¹²⁵ To do this, a procedure for determining parentage must also exist.¹²⁶

Finally, there must be no income-based test to qualify for legal services in the enforcing nation.¹²⁷ At both the Hague Convention and throughout the development of reciprocal agreements with other nations, the United States has emphasized the importance of providing

¹¹⁹ Ferrette, *supra* note 104 at 608.

¹²⁰ *Id.* at 607.

¹²¹ Smith, *supra* note 37, at 57.

¹²² Peters, *supra* note 1, at 108.

¹²³ *Id.*

¹²⁴ Smith, *supra* note 37, at 57.

¹²⁵ Carlson, *supra* note 38, at 29.

¹²⁶ *Id.*

¹²⁷ Peters, *supra* note 1, at 108.

virtually cost-free services in support cases.¹²⁸ Representatives of the United States attending the convention asserted that no agreement could ever succeed, regardless of how ideal the provisions were, if the services provided were not affordable.¹²⁹ Individuals who use government support and enforcement programs are generally of low to modest means and would not be able to pursue recovery if they needed to pay high fees for enforcement and legal services.¹³⁰ This is especially true in international cases where costs for attorney fees and enforcement actions can be much greater than the amount collected, due to the uniqueness, length, and complexity of each individual case.¹³¹ If these services are not offered for low to no-cost, the system loses a great deal of effectiveness.¹³²

However, this can cause major issues in countries that do not typically offer these types of services for their own citizens.¹³³ Additionally, issues can arise when creating reciprocal agreements with countries whose poverty thresholds are much lower than the poverty threshold in the United States.¹³⁴ This can lead to absurd results, as individuals who would qualify as indigent in the United States may not qualify for free services in reciprocating countries.¹³⁵

¹²⁸ Carlson, *supra* note 38, at 29.

¹²⁹ *Id.*

¹³⁰ *Id.* at 30.

¹³¹ *Id.*

¹³² DeHart, *supra* note 26, at 114.

¹³³ Carlson, *supra* note 38, at 31.

¹³⁴ *Id.* at 30.

¹³⁵ *Id.*

One way to deal with this concern is for the United States to only offer free legal services to individuals from foreign countries that likewise provide free legal services to US citizens.¹³⁶ However, such an incentive system would provide minimal assistance to US citizens registering and enforcing a support order in a foreign nation.¹³⁷

A more realistic solution, and one incorporated in the Hague Convention, is a child-based means test that evaluates the income of a child, rather than the income of the parent.¹³⁸ Because a child rarely has income, or a substantial income, this type of means test results in nearly all support enforcement cases being virtually cost-free.¹³⁹ It also encourages countries to streamline their support enforcement process and increase efficiency to cut down on their own costs.¹⁴⁰

3. SUBSTANTIALLY SIMILAR LAWS

The third requirement is that the agreeing nation must have substantially similar laws and procedures for child support.¹⁴¹ This can raise complications when the norms and values in two societies differ. An evaluation of the support obligation laws of the United States and Mexico must be done to ensure that an agreement may be executed successfully.

United States

The UIFSA includes an individual's obligation to support his or her children financially until they reach the age of majority.¹⁴² It further details the jurisdictional requirements for

¹³⁶ DeHart, *supra* note 26, 114.

¹³⁷ *Id.*

¹³⁸ Fish, *supra* note 22, at 42.

¹³⁹ Carlson, *supra* note 34, at 31.

¹⁴⁰ *Id.*

¹⁴¹ Peters, *supra* note 1, at 107.

¹⁴² Uniform Interstate Family Support Act, § 102 (2008).

establishing and modifying an order through a system of debtor-based jurisdiction.¹⁴³ This concept is explained further in Part III. This piece of legislation also details how an order can be registered for enforcement in a new state after the creditor, debtor, or child moves out of the issuing state.¹⁴⁴ This important section is what sets this piece of support legislation apart from its predecessor.¹⁴⁵ By allowing individuals to register an order for enforcement in a new state, it prevents the creation of multiple support orders and confusion between states.¹⁴⁶ The UIFSA also established rules for determining which order controls, in the event that multiple orders are entered in different states.¹⁴⁷ This ability to register an order for enforcement in a new state, however, does not allow the custodial parent to modify an order in any state in which they establish residency.¹⁴⁸ Instead, personal jurisdiction requirements over the debtor must still be met to modify a particular order.¹⁴⁹

UIFSA establishes the support obligation and the methods and means available to collect the support.¹⁵⁰ However, it leaves each state with the independence to establish support guidelines, factors, and other important legislative decisions.¹⁵¹ Despite this freedom, most states

¹⁴³ See Uniform Interstate Family Support Act, § 201 (2008).

¹⁴⁴ Uniform Interstate Family Support Act, § 602 (2008).

¹⁴⁵ Fish, *supra* note 22, at 37.

¹⁴⁶ *Id.*

¹⁴⁷ Uniform Interstate Family Support Act, § 604 (2008).

¹⁴⁸ *Id.* at § 613.

¹⁴⁹ *Id.*

¹⁵⁰ SOLOMON-FEARS, *supra* note 2, at 3.

¹⁵¹ Barnett, *supra* note 7, at 1807.

have enacted nearly identical child support laws.¹⁵² This is an example of cooperative federalism, a concept that gives individual states the freedom to establish their own legislative policies within a framework created by the federal government.¹⁵³

Mexico

The child support laws in Mexico tend to be extremely confusing and spread out across both the civil and criminal code.¹⁵⁴ However, despite this lack of clarity, Mexico has an obligation requiring individuals to provide support for their children identical to that of the legal obligation in the United States.¹⁵⁵ This support encompasses food, clothing, shelter, necessities in the event of a child's illness, and educational expenses.¹⁵⁶ A party cannot waive his or her right to support.¹⁵⁷ While Mexico has a legal presumption of paternity for all children born of married couples,¹⁵⁸ it also has methods of establishing paternity for children born out of wedlock or whose paternity is disputed.¹⁵⁹ In these instances, a guardian ad litem is appointed to represent the best interests of the child.¹⁶⁰

Differences between Mexican and US child support laws do exist, however. If a parent is absent or unable to provide for his or her children, the obligation falls to the next closest relative

¹⁵² *Id.*

¹⁵³ Fish, *supra* note 22, at 44.

¹⁵⁴ See generally VIVIANE BRACHET DE MARQUEZ, ABSENTEE FATHERS: A CASE-BASED STUDY OF FAMILY LAW AND CHILD WELFARE IN MEXICO (International Center for Research on Women 1994).

¹⁵⁵ CODE CIVIL [C. CIV.] art. 301 (Mex.).

¹⁵⁶ *Id.* at art. 308.

¹⁵⁷ *Id.* at art. 322.

¹⁵⁸ *Id.* at art. 324.

¹⁵⁹ *Id.* at art. 336.

¹⁶⁰ *Id.*

to support minor children.¹⁶¹ The civil code outlines the hierarchy of family members that the obligation falls on, in the event of a parent's failure or inability to pay.¹⁶² This continued obligation does not exist in the United States, which could be attributed to different cultural understandings of family structure between the United States and Mexico. Additionally, Mexico allows a variety of reasons for early termination of support, including the child or creditor's lack of need.¹⁶³ This is different from the United States, where the creditor's and child's means are never considered for establishing the level of support required or the terms of enforcement of a support order.¹⁶⁴ Despite these various differences between the United States' and Mexico's support laws, an adequate level of similarity in support procedures exists between the United States and Mexico to establish reciprocity in the area of child support.¹⁶⁵

B. Barriers to a Reciprocal Agreement in the United States

Significant barriers existed in the United States as child support agreements began to be registered or enforced across state lines, including a lack of uniform laws, insufficient cooperation, inconsistent practices among jurisdictions, conflicting support orders, and inadequate training of judges, attorneys, and caseworkers.¹⁶⁶ These barriers exist in forming international agreements as well, but are also complicated by issues, such as differing languages,

¹⁶¹ *Id.* at art. 303.

¹⁶² *Id.* at art. 305.

¹⁶³ *Id.* at art. 320.

¹⁶⁴ *See generally* Uniform Interstate Family Support Act (2008).

¹⁶⁵ *State v. Castillo*, No. A04-1528, 2005 Minn. App. LEXIS 602, at *11 (Minn. Ct. App. June 7, 2005). While this case dealt with Minnesota law specifically, Minnesota has implemented UIFSA, a Federal Support law.

¹⁶⁶ Smith, *supra* note 37, at 37.

legal systems, family relations, and economic conditions.¹⁶⁷ Mexico is extremely protective of its citizens and, traditionally, does not look favorably at enforcing other nation's laws upon its own people.¹⁶⁸ This causes complications in negotiations with other nations, particularly with the United States, as the United States tends to be extremely ethnocentric in the evaluation and enforcement of its own laws and ideas, even when developing international agreements.¹⁶⁹

The United States also must ensure that the constitutional requirements of federalism, jurisdiction, and due process are met, issues that regularly held this nation back from signing on to prior multinational agreements related to child support and maintenance.¹⁷⁰

1. FEDERALISM

The US Constitution prohibits any state from entering into a treaty or alliance with any foreign power without the consent of Congress.¹⁷¹ However, reciprocal agreements are not formal treaties, but rather are agreements of comity.¹⁷² Additionally, enforcement of child support, and family law issues, in general, traditionally has been held to be a state issue.¹⁷³ It is important to note, however, that it was not until recent years that support became not only an interstate issue, but also an international issue.¹⁷⁴ As these international issues develop, the

¹⁶⁷ Peters, *supra* note 1, at 94.

¹⁶⁸ Email from Ernesto Romero, Attorney (Nov. 6, 2013, 9:02 AM) (on file with author).

¹⁶⁹ *Id.*

¹⁷⁰ Weiner, *supra* note 17, at 642.

¹⁷¹ DeHart, *supra* note 26, at 91.

¹⁷² *Id.* at 91.

¹⁷³ *In re Burrus*, 136 U.S. 586, 594 (1980).

¹⁷⁴ DeHart, *supra* note 26, at 91.

federal government must now play a role in family law.¹⁷⁵ By way of compromise, states have been able to enter into individual agreements on the basis of comity, rather than any legally binding agreement.¹⁷⁶ Both federal and state courts have held that this act does not constitute a violation of the separation of powers established by the US Constitution.¹⁷⁷

The federal government is still left with the task of determining when a uniform national policy is more appropriate to address an issue than inconsistent state laws.¹⁷⁸ While some state governments could argue that child support enforcement is an issue that should be left to the states, the federal government has the power to regulate any activity that has a substantial effect on foreign commerce and activity.¹⁷⁹ This power comes from the supremacy clause of the Constitution.¹⁸⁰ Enforcing support orders from other nations or having a US order enforced within another country's borders would have a substantial effect on foreign commerce and activity.¹⁸¹

One way the federal government could circumvent this potential issue is through the use of cooperative federalism. Cooperative federalism allows states autonomy within a framework prescribed by federal law.¹⁸² Congress is unable to direct or require states to implement specific

¹⁷⁵ *Id.* at 104.

¹⁷⁶ *Id.* at 92.

¹⁷⁷ *Id.* at 103.

¹⁷⁸ Ann Laquer Estin, *Sharing Governance: Family Law in Congress and the States*, 18 CORNELL J. L. & PUB. POL'Y 267, 331 (2009).

¹⁷⁹ Ferrette, *supra* note 104, at 601.

¹⁸⁰ Estin, *supra* note 178, at 331.

¹⁸¹ Ferrette, *supra* note 104, at 601.

¹⁸² Fish, *supra* note 22, at 44.

laws; however, they are able to provide methods short of coercion to urge states to adopt a legislative program that furthers a federal interest.¹⁸³ This can be done either by preemption¹⁸⁴ or conditioned receipt of federal funding.¹⁸⁵ Traditionally, conditioned receipt of federal funding is the preferred method for persuading states to implement desired legislation.¹⁸⁶ While this concept is often exercised to address domestic issues, it could also be used to further a goal with international implications.¹⁸⁷

This compromise would allow the federal government to establish the child support standard and ultimate goal of a reciprocal agreement, while still allowing each individual state to pass its own legislation to reach this goal.¹⁸⁸ While this could become confusing because each state may have different laws, it allows states to remain in control of support orders and enforcement.¹⁸⁹ This compromise has the additional benefit of allowing support enforcement cases to be heard in state courts rather than increasing the burden placed on the federal courts.¹⁹⁰

In this particular instance, the federal government could establish the ultimate goal of reciprocal enforcement of support orders between the United States and Mexico. Then, each individual state would be allowed to develop individual legislation to move toward this goal.

¹⁸³ N.Y. v. U.S., 505 U.S. 144, 188 (1992).

¹⁸⁴ If there is a state law and a federal law, which regulate the same act or entity in conflict, the state law is preempted by the federal law. Fish, *supra* note 22, at 45.

¹⁸⁵ *Id.*

¹⁸⁶ *Id.*

¹⁸⁷ *Id.* at 44.

¹⁸⁸ *Id.* at 45.

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

Ultimately, this would maintain the status quo of state control of child support, while still moving toward reciprocal enforcement.

2. DUE PROCESS

Due process is a promise contained in the US Constitution that the government will operate within the law and enforce all regulations fairly.¹⁹¹ It further implies a concern with the government following procedural requirements both in and out of the American court system.¹⁹² For a court to obtain jurisdiction over a defendant, due process requires that the defendant have certain minimum contacts with the jurisdiction to ensure the court's procedures do not violate basic concepts of justice and fairness.¹⁹³ These minimum contacts include the individual "purposefully availing" him or herself of the protections and benefits of the laws of the forum state. Further, a court must evaluate whether forcing an individual to be subject to the laws of the foreign state would violate "notions of fair play and substantial justice."¹⁹⁴ A child support payee who has never entered the forum state would not be afforded the protections or benefits of the law in that state. As a result, it would violate the payee's due process rights to force him or her to be subject to the laws of that state. Regardless of an individual's obligation to support his or her child or children, it would violate basic tenets of US public policy to enforce an order without regard for due process.¹⁹⁵

3. JURISDICTION

¹⁹¹ Peter Strauss, *Due Process*, LEGAL INFORMATION INSTITUTE, http://www.law.cornell.edu/wex/due_process.

¹⁹² *Id.*

¹⁹³ *International Shoe Co. v. State of Washington*, 326 U.S. 310, 316 (1945).

¹⁹⁴ *Id.*

¹⁹⁵ *Country of Luxembourg ex rel. Ribeiro v. Canderas*, 338 N.J. Super 192, 202, 768 A.2d 283 (N.J. Ch. 2000).

The United States requires personal jurisdiction to enforce a support order.¹⁹⁶ The notion of personal jurisdiction is rooted in the due process clause.¹⁹⁷ To establish this type of jurisdiction, there must be a nexus between the respondent and the forum state.¹⁹⁸ In the United States, it is the debtor's contacts with the forum that are determinative.¹⁹⁹ The fact that the creditor or child resides in the forum does not give that forum jurisdiction over the debtor for child support enforcement purposes.²⁰⁰ This requires the non-custodial parent either to live in, or have significant contact with, the state attempting to establish or enforce a support order.²⁰¹ This has been further narrowed, in that the parent-child relationship alone does not equate to significant contact with that state.²⁰² The court must not exercise jurisdiction over a non-resident parent of a minor child, as it would lead to a violation of the due process clause of the Fourteenth Amendment.²⁰³ It is well settled that a court may only render a judgment for child support against a person if the court has jurisdiction over that person.²⁰⁴

It has been long held that a court may exercise personal jurisdiction over a non-resident, however, if the non-resident voluntarily enters the state and can be served within the borders of

¹⁹⁶ Peters, *supra* note 1, at 109.

¹⁹⁷ Pennoyer v. Neff, 95 U.S. 714, 733 (1877).

¹⁹⁸ Carlson, *supra* note 38, at 27.

¹⁹⁹ *Id.* at 28.

²⁰⁰ Fish, *supra* note 22, at 41.

²⁰¹ Peters, *supra* note 1, at 110.

²⁰² Kulko v. Superior Court of California, 436 U.S. 84, 86 (1978).

²⁰³ Peters, *supra* note 1, at 110.

²⁰⁴ Flores v. Melo-Palacios, 921 S.W.2d 399, 404 (Tex. App. 1996).

the state, regardless of how fleeting the visit is.²⁰⁵ Once this requirement is met, the court may exercise jurisdiction over the non-resident.²⁰⁶ Additionally, an order remains valid and enforceable following a loss of jurisdiction until it is properly modified in the new jurisdiction.²⁰⁷ However, that view has shifted in recent years with many courts holding that personal service is not enough to constitute personal jurisdiction.²⁰⁸

Furthermore, for a US court to have jurisdiction over an individual, there are service requirements that must be met. Serving an individual in Mexico, however, can be extremely costly and complicated. It also takes substantially more time to serve an individual in Mexico than in the United States. While service to Mexico can take as little as two months, it generally takes between six months and one year to complete.²⁰⁹ Mexico also does not allow any form of service by mail, which can cause complications in finding an individual to personally serve the debtor.²¹⁰ This deterrent causes many American attorneys and individuals looking to enforce orders to abandon their efforts.²¹¹

However, most other countries use child-based jurisdiction, allowing a support order to be established or enforced in a country where either the child or non-custodial parent lives.²¹²

²⁰⁵ *Id.* at 402.

²⁰⁶ *Id.*

²⁰⁷ *Earls v. Mendoza*, No. W2010-01878-COA-R3-CV, 2011 Tenn. App. LEXIS 430, at *14 (Tenn. Ct. App. Aug. 10, 2011).

²⁰⁸ *E.g. In re Marriage of Kohl*, 268 Ill. Dec. 547, 778 N.E. 2d 1169 (App. Ct. 1st Dist. 2002); *Vailas v. Vailas*, 939 N.E.2d 565 (Ill. App. Ct. 1st Dist. 2010); *In re Marriage of Hillstron*, 126 P.3d 315 (Colo. Ct. App. 2005).

²⁰⁹ Charles B. Campbell, *No Sirve: The Invalidity of Service of Process Abroad by Mail or Private Process Server on Parties in Mexico Under the Hague Service Convention*, 19 MINN. J. INT'L L. 107, 115 (2010).

²¹⁰ *Id.* at 119.

²¹¹ Email from Ernesto Romero, Attorney (Nov. 6, 2013, 9:02 AM) (on file with author).

This difference in jurisdictional policy has traditionally caused problems in attempts to create both reciprocal agreements and multinational agreements.²¹³ In the negotiations for the Hague Convention, many countries attempted to require the United States to amend its constitution in order to allow for child-based jurisdiction. However, the United States refused to even discuss a system with a child-based or creditor-based jurisdictional requirement.²¹⁴ Not only does this type of jurisdictional requirement violate the US Constitution, as it ignores the contacts the payor has with the forum state or nation, it also encourages forum shopping.²¹⁵ Forum shopping occurs when a creditor chooses a particular jurisdiction to bring their case, based on more favorable support laws, in an attempt to obtain a more beneficial support order.²¹⁶

Gloria DeHart developed a solution to address this important difference between nations. Rather than require a country to enforce the original order, the responding nation may instead establish a new order that is equivalent, using its own laws and procedures.²¹⁷ This compromise allows individual countries or states to apply their laws and jurisdictional requirements while still implementing and enforcing a support requirement from another nation.²¹⁸

Conclusion

²¹² Peters, *supra* note 1, at 111; Carlson, *supra* note 38, at 27.

²¹³ Carlson, *supra* note 38, at 28.

²¹⁴ *Id.* at 21.

²¹⁵ Nicholas BalaJ et al., *Solving Problems Facing International Law Today: Regulating Cross-Border Child Support Within Federated Systems: The United States, Canada, and the European Union*, 15 *TRANSNAT'L L. & CONTEMP. PROBS.* 87, 93 (2005).

²¹⁶ *Id.*

²¹⁷ Smith, *supra* note 33, at 55.

²¹⁸ *Id.*

With the development of the United Interstate Family Support Act, the United States recognized the need for a central authority and unified legal system for support. This reduced confusion and unnecessary harassment, as well as increased efficiency and success with enforcement of support orders across state lines. However, the federal government has been slow to expand this concept across its borders, forming agreements with only a limited number of countries across the globe. Without a unified goal or mission for registration and enforcement of international support orders, there continues to be confusion and a lack of justice for our nation's children. While steps have been taken toward creating a central authority to resolve this issue, progress is slow and will likely take decades to achieve. In the interim, it is imperative that the United States continues to expand the number of reciprocal agreements for support enforcement that it maintains.

Support enforcement cases between Mexico and the United States continue to account for a significant number of the international child support cases that exist in America today. However, no progress has been made to allow for enforcement of these orders to force individuals to fulfill their obligation to provide for their children. It is essential that the United States take steps to protect children within its territory, as well as those living in Mexico. The United States must establish a reciprocal agreement with Mexico to provide a uniform and transparent system for enforcing support orders. By doing so, they will ensure that children receive the financial support they need and deserve in order to thrive.